

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Larry James Tyler,)	CIVIL ACTION NO. 9:16-0122-MGL-BM
)	
Plaintiff,)	
)	
v.)	
)	
Captain Coe, Wayne Byrd)	
and Diann Wilks,)	REPORT AND RECOMMENDATION
)	
Defendants.)	
_____)	

This action has been filed by the Plaintiff, pro se, pursuant to 42 U.S.C. § 1983. Plaintiff, who at the time he filed this case was an inmate at the Darlington Detention Center, alleges violations of his constitutional rights by the named Defendants.

Plaintiff's submission with the Court was not in proper form for filing and service. Therefore, by Order dated February 24, 2016, Plaintiff was given an opportunity to provide the necessary information and paperwork to bring the case into proper form for evaluation and possible service of process. Plaintiff was specifically warned that failure to provide the necessary information within the timetable set forth in the Order would subject the case to dismissal. The time granted to Plaintiff to bring this case into proper form has now lapsed, and Plaintiff has failed to provide a response to the proper form order, or to contact the Court in any way. Therefore, he has failed to comply with the Order.

Based on the foregoing, it is recommended that this action be **dismissed, without prejudice**, in accordance with Rule 41(b), Fed.R.Civ.P. See Link v. Wabash R.R. Co., 370 U.S. 626



(1962); Ballard v. Carlson, 882 F.2d 93, 95-96 (4th Cir. 1989), cert. denied sub nom, Ballard v. Volunteers of America, 493 U.S. 1084 (1990) [holding that district court's dismissal following an explicit and reasonable warning was not an abuse of discretion].

The parties are also referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

March 29, 2016
Charleston, South Carolina



Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

